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Attn: Examiner AZIZUL Q. CHOUDHURY

March 4, 2010

Fax: 571-273-3909

Re: Case 09/757,728

Fax Cover

Total Including Cover

2 pages

Donald Boys, 35,074

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Agenda for telephone conference in the referenced case:

General issues:

This case was filed 1/9/2001. It is more than nine years old. The present action is the *eleventh* action in the case. The case has been appealed twice, with an appeal brief filed, and both times the examiner has issued a new action with new grounds in response to the appeal.

This eleventh action is done with a new search and citing new art as though the case was a new case examined for the first time.

The client and the agent of record both consider this to be quite unusual, and it seems reasonable that if a case goes through several rounds, is appealed, and the argument on appeal is accepted as persuasive, that there is some rationale for allowing the claims and passing the case to issue. For this to happen twice is very discouraging. It seems the Office can just follow this procedure forever, and there is no hope for the applicant.

So the agent of record wants some indication, that if we overcome all of the rejections yet again, that we might expect an allowance rather than just another do-over with all new references and new grounds.

Merit issues:

The applicant wishes to discuss just the independent claims relative to the 103 rejection, particularly in light of the primary reference Chao (of record), which is in the field of monitoring a network to generate topology information, and has nothing to do with presence (status of human agents) in a telephony network, which is the field of the present invention.

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